

### **REMARKS**

The above Amendment and the following remarks are responsive to the final Office Action dated December 24, 2008. The Applicant requests entry of this Amendment, favorable reconsideration of this case, and early issuance of a Notice of Allowance.

#### **Status of the Claims**

Upon entry of this paper, the Applicant has rewritten claims 1, 19, 43, 61, 85, 92, 110, 117, 135, 155, 180, 200, 225, 234, 253, 262, and 281. Thus, claims 1-284 are pending in the application, wherein claims 1, 43, 85, 110, 135, 180, 225, 253, and 281 are independent claims.

#### **Examiner Interview**

The Applicant wishes to thank the Examiner for conducting a telephonic interview on May 20, 2009. During the Examiner Interview, we discussed proposed amendments to claims 1, 135, and 281 and the Bryce prior art reference. The Examiner agreed that proposed claim amendments overcame the § 101 rejection, and that the Bryce reference fails to anticipate the claimed subject matter as proposed and discussed. Furthermore, due to the shortcomings of the Bryce reference, the Applicant respectfully submits that the Office Action does not set forth a *prima facie* case of obviousness with respect to claims 1-281.

#### **Rejection Under § 101**

The Examiner rejected claims 85-109 and 225-252 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter and is attempting to patent computer data. The Applicant respectfully traverses this rejection.

In response, the Applicant has amended the preamble of independent claims 85 and 225. The preambles of the amended claims recite a computer program product “to be used on a computer”. Since the program code limitations of independent claims 85 and 225, as amended, are to be used on a computer, the presently claimed invention recites the traditionally required physical structure or material. Thus, the Applicant believes that

independent claims 85 and 225, as amended, recite statutory subject matter and that the Examiner should withdraw this rejection.

Claims 86-109 and 226-252 depend from either independent claim 85 or 225. For the previously stated reasons, independent claims 85 and 225 are allowable. Since any claim that depends from an allowable independent claim is also allowable, the Applicant believes that the Examiner should also withdraw this rejection as to dependent claims 86-109 and 226-252.

### **Rejection Under § 102**

The Examiner rejected claims 1-39, 43-81, 85-106, 110-131, 135-176, 180-221, 225-249, 253-277, and 281-284 under 35 U.S.C. § 102(e) as being anticipated by Bryce et al., United States Patent Application Serial Number 2002/0143573 A1 (hereinafter "Bryce"). The Applicant respectfully traverses this rejection.

Anticipation requires that each and every element of the claims must be present in the cited prior art. The claims, as amended, are not anticipated by Bryce.

Bryce describes an integrated automated recruiting management system. The Bryce system includes three components, a criteria matching application, a message center server and downloadable client, and a web-based job recruiter application. The system allows a recruiter to post a job description, receives job seeker applications, ranks and sorts candidates according to skills and qualifications, and automates the coordination of scheduling interviews. A recruiter interacts with the Bryce system by entering recruiter information, job detail, and possibly screening questions relating to a particular job. A candidate interacts with the Bryce system by reviewing job postings and, when one job posting is of interest, entering candidate information including the candidate's skills particularly suited for the job. Thus, Bryce describes an automated system that allows a recruiter to enter job postings, then, when a candidate reviews the job postings and finds one of interest, the candidate enter skills for that particular job.

In contrast, independent claims 1, 43, 85, 110, 135, 180, 225, 253, and 281, as amended, recite “identifying a matching resume for a job description”. The job description includes “at least one job requirement”, each job requirement comprising “a required skill or experience-related phrase and a required term of experience”. The presently claimed invention recites “parsing” each resume to “locate at least one skill or experience-related phrase in the resume”. The parsing also is to “determine an experience range” for each skill or experience-related phrase by “examining a use” of the skill or experience-related phrase in the resume, and to “compute a term of experience” for each skill or experience-related phrase “based on the experience range”. The computed “term of experience” for each skill or experience-related phrase is “a summation of the term of experience or each occurrence of the phrase associated with a different experience range”. When the skill or experience-related phrases located in the resumes include “the required skill or experience-related phrase” for “the required term of experience”, the resume is “the matching resume that satisfies the job description”. Thus, the Applicant believes that the Examiner should withdraw this anticipation rejection based on Bryce as to independent claims 1, 43, 85, 110, 135, 180, 225, 253, and 281.

Bryce also describes that the web-based job recruiter application provides the candidate with a series of HTML forms for preparing the candidate profile. The server in Bryce collects and saves the response by the candidate to each question on the form using a scripting language making it “unnecessary to scan resumes for keywords”. Thus, Bryce teaches away from the recitation in independent claims 1, 43, 85, 110, 135, 180, 225, 253, and 281, as amended, of “receiving at least one resume” and “parsing each said at least one resume to locate at least one skill or experience-related phrase in the resume”. Bryce not only distinguishes between a candidate application and a resume as recited in the presently claimed invention, but also teaches away from the use of a resume as recited in the presently claimed invention. Thus, the Applicant believes that the Examiner should withdraw this anticipation rejection based on Bryce as to independent claims 1, 43, 85, 110, 135, 180, 225, 253, and 281.

Claims 2-42, 44-84, 86-109, 111-134, 136-179, 181-224, 226-252, 254-280, and 282-284 depend from either independent claim 1, 43, 85, 110, 135, 180, 225, 253, or 281. Since any

claim that depends from an allowable independent claim is also allowable, the Applicant believes that the Examiner should also withdraw this anticipation rejection based on Bryce as to dependent claims 2-42, 44-84, 86-109, 111-134, 136-179, 181-224, 226-252, 254-280, and 282-284.

### **Rejection Under § 103**

The Examiner rejected claims 40-42, 82-84, 107-109, 132-134, 177-179, 222-224, 250-252, and 278-280 under 35 U.S.C. § 103(a) as being unpatentable over Bryce in view of Thomas, United States Patent Application Serial Number 2002/0055870 A1 (hereinafter "Thomas"). The Applicant respectfully traverses this rejection.

The differences between the claims, as amended, and Bryce and Thomas, taken either alone or in combination, are nonobvious. As reiterated by the Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385, 1391 (2007), the framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Thus, the analysis of patentability under 35 U.S.C. § 103 requires consideration of four factors: (i) the scope and content of the prior art, (ii) the differences between the prior art and the claims as a whole, (iii) the level of ordinary skill in the art, and (iv) objective evidence of non-obviousness. *Graham* at 13. Combining elements from different prior art references in hindsight is to be avoided.

For the reasons stated in the previous section of this response, titled "Rejection Under § 102", the differences between the limitations of independent claims 1, 43, 85, 110, 135, 180, 225, 253, and 281, as amended, and the Bryce reference are nonobvious.

Thomas describes an automated human resource assessment system having computer-based processes. The system described in Thomas enables an organization to manage its internal and external workforce more effectively by enhancing its ability to plan, acquire, develop, and evaluate the workforce. To enhance the ability to acquire the workforce, Thomas describes that the system eliminates the traditional text based resume and replaces it with a

standardized profile, which includes organized skills and content attributes. In contrast, independent claims 1, 43, 85, 110, 135, 180, 225, 253, and 281, as amended, recite “identifying a matching resume for a job description”. The job description includes “at least one job requirement”, each job requirement comprising “a required skill or experience-related phrase and a required term of experience”. The presently claimed invention recites “parsing” each resume to “locate at least one skill or experience-related phrase in the resume”. The parsing also is to “determine an experience range” for each skill or experience-related phrase by “examining a use” of the skill or experience-related phrase in the resume, and to “compute a term of experience” for each skill or experience-related phrase “based on the experience range”. The computed “term of experience” for each skill or experience-related phrase is “a summation of the term of experience or each occurrence of the phrase associated with a different experience range”. When the skill or experience-related phrases located in the resume include “the required skill or experience-related phrase” for “the required term of experience”, the resume is “the matching resume that satisfies the job description”. Since Thomas describes the elimination of the traditional text based resume and replaces it with a standardized profile, rather than receiving a resume as recited in the presently claimed invention, independent claims 1, 43, 85, 110, 135, 180, 225, 253, and 281 are nonobvious over Thomas, taken alone. Furthermore, since Thomas does not make up for the shortcomings of Bryce described herein, independent claims 1, 43, 85, 110, 135, 180, 225, 253, and 281 are also nonobvious over the combination of Bryce and Thomas.

Claims 40-42, 82-84, 107-109, 132-134, 177-179, 222-224, 250-252, and 278-280 depend from either independent claim 1, 43, 85, 110, 135, 180, 225, 253, or 281. Since any claim that depends from an allowable independent claim is also allowable, the Applicant believes that the Examiner should also withdraw this obviousness rejection based on Bryce and Thomas as to dependent claims 40-42, 82-84, 107-109, 132-134, 177-179, 222-224, 250-252, and 278-280.

Respectfully submitted,  
DIYA B. OBEID

By:  
/Kenneth P. Waszkiewicz#45724/  
Kenneth P. Waszkiewicz  
Registration Number: 45,724  
*Attorney for Applicant*

**Kenneth P. Waszkiewicz, Attorney at Law**  
29 Murray Avenue  
Annapolis, MD 21401  
(410) 271-4975 – phone  
(410) 268-3433 – fax